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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/061,061

01/29/2002

James C. Dow

10980473-6

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7590

09/08/2005

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EXAMINER

JELINEK, BRIAN J

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/061,061	Applicant(s) DOW ET AL.	
	Examiner Brian Jelinek	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-13,15,16,18-20,22 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-13,15,16,18-20,22 and 24-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/30/20025 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Response to Amendment**

The Examiner respectfully submits a response to the amendment received on 7/29/2005 of application no. 10/061,061 filed on 1/29/2002 in which claims 1, 3-5, 7-13, 15-16, 18-20, 22, and 24-28 are currently pending.

### **Arguments**

The Applicant's arguments have been fully considered but they are not persuasive. Please refer to the following office action, which clearly sets forth the reasons for non-persuasiveness.

The Applicant argues that Capps fails to disclose that the animation is a metaphor for an irreversible deletion of said image data because moving a file to the trash icon does not suggest irreversible deletion of the file, since the file can be restored or recovered from the file folder represented by the trash can icon.

In response, Capps discloses "To delete or trash the file, it can be selected and dragged to an icon of a trash can" (col. 1, lines 30-32). Furthermore, the Oxford Dictionary of Computing defines delete as:

1. To remove or obliterate a record or item of data, such as by overwriting data on disk or tape with new data or null characters.
2. To remove permanently an object, such as a character, word, paragraph, or graphic, from a document, or to remove an entire document file from permanent storage. In either case there is usually a period of grace during which the decision to delete can be rescinded, and after which the action is irreversible

Clearly, deleting a file by dragging it to the trash would either obliterate the data on the disk with new data or null characters; or would permanently and irreversibly delete the file from permanent storage after a grace period.

Furthermore, the Applicant argues that the metaphor of a page of said image data turning into ash is not taught or suggested by the cited art. However, as the Examiner stated in the previous Office Action, Capps discloses the animation for deleting an object is crumpling an object or folding the object into a paper airplane before sending the object to the trashcan (col. 8, lines 30-44). Although Capps does not disclose the animation for deleting an object is turning the object to ash, it is clear from the teaching of Capps that all animations commonly recognized to symbolize destruction would have communicated to a user that the status of the object has changed to being deleted. For instance, object animations commonly recognized to symbolize destruction include: burning, disappearing in a puff of smoke, exploding, turning to dust and blowing away, dissolving in a beaker of acid, shredding in a shredding machine, being run over by a steam roller, or being cut to pieces by scissors, all convey to the user that the object has been deleted. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided an animation for deleting an object as turning the object to ash because all of the recited animations are functionally equivalent in communicating to a user that the status of the object has changed to being deleted.

Furthermore, the Applicant argues that a fifth code segment for displaying a percentage of said memory to be made available on said display when said image data

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is purged from said memory is not taught or suggested by the cited art; and further argues that Aruga discloses an external storage device that may be connected to, but is not part of, a digital camera.

In response, the Examiner does not consider that the memory card is external to the camera to be material in view of the combined teachings of the references. As stated in the previous Office Action, Aruga broadly teaches displaying on a display the % of capacity remaining in a memory card storing images captured by a digital camera (Fig. 4, element 4b) after erasing images (Fig. 1, element 9). One of ordinary skill in the art would have displayed the % of capacity remaining in a memory card storing images captured by a digital camera for the purpose of indicating to the user the degree to which the memory card is full (Fig. 4). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed a percentage of memory to be made available on the display when the image data is purged from the memory for the purpose of indicating to the user the degree to which the memory card is full.

### ***Claim Objections***

Claim 3 is objected to because of the following informalities: the claim depends from a canceled claim. For the purposes of this Office Action, it is assumed that claim 3 depends from claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-5, 7-8, 11-13, 15, 18, 20, 22, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat. No. 6,249,316) in view of Capps (U.S. Pat. No. 5,596,694).**

Regarding claim 1, Anderson discloses a digital camera, comprising: a photoelement array for capturing image data (Fig. 2, element 224); a memory for saving said image data (Fig. 3, element 354); a processor in communication with said memory (Fig. 3, element 344); a display in communication with said processor for exhibiting said image data (Fig. 4, element 402); and program code stored in said memory and executed by said processor, said program code comprising a delete page module for purging said image data from said memory (Fig. 4, Delete 412).

Anderson does not disclose said program code further comprising a first code segment for displaying an animation on said display, wherein the animation is a metaphor for an irreversible deletion of said image data from said memory

However, Capps discloses that when an object is to be deleted, a preferred animated modification of the object's appearance is to crumple the object before automatically moving the crumpled object to a trashcan icon (col. 2, lines 37-67). One of ordinary skill in the art at the time of the invention would have modified the visual

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appearance of the object to be deleted through animation to reflect the change in status of the object (col. 2, lines 45-51). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a first code segment for displaying an animation on said display for modifying the visual appearance of the object to be deleted through animation to reflect the change in status of the object.

Furthermore, Capps discloses the animation is a metaphor for an irreversible deletion of said image data from said memory (col. 2, lines 37-67).

Regarding claim 3, Anderson discloses a second code segment for displaying a delete confirmation prompt on said display (col. 5, lines 56-67).

Regarding claim 4, Anderson discloses a third code segment for displaying valid appliance operations on said display based on a current state and processing any response thereto (Fig. 4, Delete, Mark, and View 412).

Regarding claim 5, please see the rejections of claims 1 and 3.

Regarding claim 7, Capps discloses the animation for deleting an object is crumpling an object or folding the object into a paper airplane before sending the object to the trashcan (col. 8, lines 30-44). Capps does not disclose the animation for deleting an object is turning the object to ash.

However, it is clear from the teaching of Capps that all animations commonly recognized to symbolize destruction would have communicated to a user that the status of the object has changed to being deleted. For instance, object animations commonly recognized to symbolize destruction include: burning, disappearing in a puff of smoke, exploding, turning to dust and blowing away, dissolving in a beaker of acid, shredding in



a shredding machine, being run over by a steam roller, or being cut to pieces by scissors, all convey to the user that the object has been deleted. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided an animation for deleting an object as turning the object to ash because all of the recited animations are functionally equivalent in communicating to a user that the status of the object has changed to being deleted.

Regarding claim 8, Anderson further discloses a fourth code segment for displaying a number of pages of said image data to be purged from said memory on said display (Fig. 4, 9-11; col. 5, lines 39-67) because the user marks a group of images to be deleted, which are numbered sequentially in the order selected, the number of the last image indicating the total number of images to be deleted.

Regarding claim 11, Anderson discloses a digital camera, comprising: capturing means for acquiring image data (Fig. 2, element 224); storage means for saving said image data (Fig. 3, element 354); processing means in communication with said storage means (Fig. 3, element 344); display means in communication with said processing means for exhibiting said image data (Fig. 4, element 402); and program code stored in said storage means and executed by said processing means, said program code comprising a delete page module for purging said image data from said storage means (Fig. 4, Delete 412).

Anderson does not disclose said delete page module comprising a first code segment for displaying an animation on said display, wherein the animation is a metaphor for an irreversible deletion of said image data from said storage means.



However, Capps discloses that when an object is to be deleted, a preferred animated modification of the object's appearance is to crumple the object before automatically moving the crumpled object to a trashcan icon (col. 2, lines 37-67). One of ordinary skill in the art at the time of the invention would have modified the visual appearance of the object to be deleted through animation to reflect the change in status of the object (col. 2, lines 45-51). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a first code segment for displaying an animation on said display for modifying the visual appearance of the object to be deleted through animation to reflect the change in status of the object.

Furthermore, Capps discloses the animation is a metaphor for an irreversible deletion of said image data from said memory (col. 2, lines 37-67).

Regarding claim 12, Anderson discloses a menu module for displaying valid appliance operations on said display based on a current state and processing any response thereto (Fig. 4, Delete, Mark, and View 412).

Regarding claim 13, please see the rejection of claim 3.

Regarding claim 15, please see the rejection of claim 5.

Regarding claim 18, please see the rejection of claim 7.

Regarding claim 20, Anderson discloses a method for purging image data from a digital camera, comprising the steps of: capturing image data on a photoelement array in the digital camera (Fig. 2, element 224); saving the image data in a memory (Fig. 3, element 354); implementing a processor to communicate with said memory (Fig. 3, element 344); exhibiting the image data on a display in communication with the

processor (Fig. 4, element 402); and executing program code stored in said memory by the processor, wherein the program code operates to purge the image data from the memory (Fig. 4, Delete 412).

Anderson does not disclose displaying an animation on the display corresponding to a delete function, wherein the animation is a metaphor for an irreversible deletion of the image data from memory.

However, Capps discloses displaying an animation on the display corresponding to a delete function (col. 2, lines 37-67). One of ordinary skill in the art would have provided an animation on the display corresponding to a delete function for modifying the visual appearance of the object to be deleted through animation to reflect the change in status of the object (col. 2, lines 45-52). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided an animation on the display corresponding to a delete function for modifying the visual appearance of the object to be deleted through animation to reflect the change in status of the object.

Furthermore, Capps discloses that when an object is to be deleted, a preferred animated modification of the object's appearance is to crumple the object before automatically moving the crumpled object to a trashcan icon (col. 2, lines 37-67).

Regarding claim 22, please see the rejection of claim 3.

Regarding claim 24, please see the rejection of claim 7.

Regarding claim 25, please see the rejection of claim 4.

Regarding claim 26, please see the rejection of claim 8.

**Claims 9, 16, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat. No. 6,249,316), in view of Capps (U.S. Pat. No. 5,596,694), and further in view of Aruga et al. (U.S. Pat. No. 6,429,896).**

Regarding claim 9, neither Anderson nor Capps disclose displaying a percentage of said memory to be made available on said display when said image data is purged from said memory.

However, Aruga discloses erasing images (Fig. 1, element 9) and displaying on a display the % of capacity remaining in a memory card storing images captured by a digital camera (Fig. 4, element 4b). One of ordinary skill in the art would have displayed the % of capacity remaining in a memory card storing images captured by a digital camera for the purpose of indicating to the user the degree to which the memory card is full (Fig. 4). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed a percentage of memory to be made available on the display when the image data is purged from the memory for the purpose of indicating to the user the degree to which the memory card is full.

Regarding claim 16, please see the rejection of claims 8 and 9.

Regarding claim 27, please see the rejection of claim 9.

**Claims 10, 19, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat. No. 6,249,316), in view of Capps (U.S. Pat. No. 5,596,694), and further in view of Parulski et al. (U.S. Pat. No. 5,666,159).**

Regarding claim 10, Anderson does not disclose means for communicating image data to a remote appliance. However, Parulski discloses an electronic camera for selectively transmitting electronic imager data to a plurality of remote base units (Abstract). One of ordinary skill in the art would have enabled a camera to transmit image data for the purpose of sharing images with other devices (Fig. 1). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided means for communicating image data to a remote appliance for the purpose of sharing images with other devices.

Regarding claim 19, please see the rejection of claim 10.

Regarding claim 28, please see the rejection of claim 10.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek  
9/2/2005



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